

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	
	:	
v.	:	NO. 3:05-CR-64
	:	
LOUIS PAGNOTTI, III,	:	JUDGE VANASKIE
	:	
Defendant.	:	ELECTRONICALLY FILED

**BRIEF IN SUPPORT OF MOTION TO
DISMISS MISPRISION COUNT**

In Counts Twenty and Seventeen of the Superseding Indictments (Docs. 57 & 116) the prosecution charges Defendant Louis Pagnotti, III (“Mr. Pagnotti”) with a violation of 18 U.S.C. § 4, or misprision of a felony.

Mr. Pagnotti’s constitutional privilege against self incrimination precludes any duty to report, and nullifies the application of the statute cited. United States v. Kuh, 541 F.2d 672 (7th Cir. 1976).

Wherefore, Mr. Pagnotti respectfully requests that this Honorable Court dismiss Count Seventeen of the Superseding Indictment of November 8, 2006

(Doc. 116) and Count Twenty of the Superseding Indictment of May 17, 2006

(Doc. 57).

Respectfully submitted,

/s/ Patrick A. Casey

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Date: January 5, 2007

CERTIFICATE OF SERVICE

I, PATRICK A. CASEY, ESQUIRE, hereby certify that a true and correct copy of the foregoing Brief in Support of Motion to Dismiss Misprison Count was served upon the following counsel of record by electronic mail on this 5th day of January, 2007:

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